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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,141	09/07/1999	JONATHAN FOOTE	FXPL-01002US	8130

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FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/391,141

Applicant(s)

FOOTE ET AL.

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 41-55 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 41-51 is/are allowed.
6) ☒ Claim(s) 1-3,5-10 and 52-55 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 6, 2004, with regard to claims 1-3 and 5-10 have been fully considered but they are not persuasive.

Regarding claims 1-3 and 5-10, Applicant first argues that, "*Lassiter* fails to teach or suggest 'indicating a location using a cue *within said scene*'" (emphasis in original; see page 9). In order to support this argument, Applicant quotes column 21, lines 55-63, but clearly misinterprets the passage. The example given in parentheses on lines 57-58 — a video camera — refers to the video device. This is contrary to Applicant's odd assertion that the video device is a motion-tracking or color-tracking method, using the example given in parentheses on lines 62-63. Instead, these are examples of "*a predetermined method* for automatically controlling the video device" (emphasis added; see lines 60-62). In other words, the *Lassiter* reference provides the example that a video camera may automatically control itself to track a moving object. The motion serves as the cue that indicates a location within the captured scene.

Applicant also argues that, in contrast to the amendment to claim 1, *Lassiter* fails to teach that a representation of the scene is an image captured by a plurality of cameras. On the contrary, *Lassiter* teaches that a broad, representative "target scene" may be captured by a plurality of cameras, the images from which may be combined (see column 11, lines 9-16, and column 12, lines 5-15).

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2. Applicant's arguments, see pages 7-8, filed December 6, 2004, with respect to claims 41-51 have been fully considered and are persuasive. The rejection of claims 41-51 has been withdrawn.

3. Applicant's arguments, see pages 8-9, filed December 6, 2004, with respect to the rejection of claims 52-55 have been fully considered and are persuasive *with regard to the passages cited in Sears*. However, different passages of Sears have been cited in response to the amendment to claim 52. See the below rejection under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3 and 5-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lassiter (U.S. Patent No. 6,624,846).

Regarding **claim 1**, Lassiter discloses a user interface for a camera or group of cameras. The captured scene is displayed on visual user interface 200 (“displaying a representation of a scene”) (column 7, lines 12-20). As shown in Figure 1, the system includes video camera 101 and stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). Lassiter teaches that a broad, representative “target scene” may be captured by a plurality of cameras, the images from which may be combined (see column 11, lines 9-16, and column 12, lines 5-15). The device may include a motion-tracking feature, wherein a cue — i.e., the motion of an object — causes the camera to aim itself at the object’s new position (column 21, lines 58-63).

Lassiter is silent with regard to displaying a view of a location within a scene simultaneously with the complete image within this embodiment.

In the embodiment shown in Figure 9, a control scene 902 selected from within target scene 901 is displayed along with target scene 901 on the screen (column 19, lines 49-57).

An advantage to displaying a view of a location within a scene simultaneously with a complete captured image is that a user may view a selected area in detail while still monitoring the complete area captured by the camera. For this reason, it would have been obvious at the

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time of invention to have Lassiter's live selected area displayed simultaneously with the complete captured image.

Regarding **claim 2**, Lassiter teaches that the image data in the area of the main subject may be subsampled (a "virtual view") in order to capture that location (column 11, lines 59-65).

Regarding **claim 3**, Lassiter shows in Figure 5A that a plurality of images from a plurality of cameras may be combined to create a panoramic image (column 15, lines 30-37, and column 16, lines 9-13).

Regarding **claim 5**, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 ("a location within a scene") (column 7, lines 12-20). Lassiter teaches that, "the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays" ("a drag and drop icon") (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same. Lassiter teaches that resizing the outline of the control scene can result in the adjustment of a zoom amount (column 17, lines 50-60).

Regarding **claim 6**, Lassiter teaches that the user interface may constrain the user's selection of the control scene to one with an appropriate aspect ratio (column 11, lines 35-40).

Regarding **claim 7**, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 ("a location within a scene") (column 7, lines 12-20). Lassiter teaches that, "the boundaries of control scene 202 can be

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delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays” (“a drag and drop icon”) (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same. Lassiter teaches that the image data in the selected area may be subsampled in order to capture that location (column 11, lines 59-65).

Regarding **claims 8 and 9**, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“a location within a scene”) (column 7, lines 12-20). Lassiter teaches that, “the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays” (“a drag and drop icon”) (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same. Lassiter shows in figures 7A through 7F that the outline of the control scene 702 includes a center portion and outside frame. The resizing of the outside frame can result in the adjustment of the zoom amount (“a parameter of said view”) (column 17, lines 50-60).

Regarding **claim 10**, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“a location within a scene”) (column 7, lines 12-20). Lassiter teaches that, “the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays” (“a drag and drop icon”) (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do

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the same. Lassiter teaches that control scene 702, as shown in figures 7A through 7F, may be dragged across a screen to pan the captured scene (column 17, lines 11-13).

7. Claims 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sears.

Regarding **claim 52**, Sears discloses a method of providing a user interface for control of a plurality of cameras, comprising:

- capturing a scene with the plurality of cameras (see column 15, lines 23-34);
- indicating a location using a cue within said scene (see column 6, lines 4-9);
- detecting said cue (see column 6, lines 9-11);
- generating a view directed toward said location from said scene as captured by the plurality of cameras (see column 10, lines 47-48); and
- displaying said view (using video monitor 31 with display 71; see column 13, lines 10-15);

wherein the view is a portion of the scene (see column 10, lines 47-48).

Sears is silent with regard to the view being a virtual view. However, Official Notice is taken that electronic zooms are a common way of displaying only a desired enlarged portion of an optically captured image. An advantage of performing an electronic zoom to display only a desired section of a complete image is that views may be changed instantaneously, thus avoiding the delay necessary to perform a mechanical optical zoom. For this reason, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to have Sears's system provide a virtual view of a selected area.

Regarding **claim 53**, Sears teaches that the cue can be illumination (see column 5, lines 61-64).

Regarding **claim 54**, Sears teaches that the cue can be a gesture (see column 10, lines 47-48).

Regarding **claim 55**, Sears teaches that his system further comprises:

displaying a representation of said scene (see column 13, lines 10-13); and
indicating said location within said representation (see column 13, lines
28-31).

Allowable Subject Matter

8. Claims 41-51 are allowed.

No prior art could be located that teaches or fairly suggests a method of controlling one or more cameras using an interface including a representation of a scene *and* information embedded *within* the representation, so as to determine a location within the scene and directing a view of at least one of the cameras to the location.

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Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications


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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

JTW

April 28, 2005


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600